



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,020	05/15/2001	Mitsuhira Idaka	Q64489	8003

7590

01/10/2002

SUGHRUE MION ZINN MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER

CAPRON, AARON J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/855,020

Applicant(s)

IDAKA, MITSUHIRA

Examiner

Aaron J. Capron

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3713

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, there is insufficient antecedent basis for the limitation “the read out personal information.”

Referring to claim 6, there is insufficient antecedent basis for the limitation “the number of tokens.”

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cumbers (U.S Patent No. 6,142,876).

Cumbers discloses a game machine that includes a player identifier (Figure 2; column 4, lines 9-14), a data storage that stores personal information (Column 2, line 62 to column 3, line 8) of a plurality of players, and a game environment arranger that reads out the personal

Art Unit: 3713

information of the player identified by the player identifier from the data storage and automatically sets up a game environment (Column 5, lines 24-32) based on the read out personal information.

Referring to claim 2, Cumbers discloses that the player identifier identifies the player using image recognition techniques (Figure 2; column 4, lines 9-14).

Referring to claim 3, Cumbers discloses a game monitor that monitors status of the game played by the player to generate monitoring information (Column 5, line 32-36) and a personal information generator that generates new personal information of the player based on the monitoring information and stores the new personal information in the data storage (Column 5, line 36-42).

Referring to claim 4, Cumbers discloses an information communicator that communicates the personal information stored in the data storage with another game machine connected to the game machine (Column 2, line 54 to column 3, line 19).

Referring to claim 5, Cumbers discloses a level determiner that automatically determines a skill level (comp level) of the player to generates skill level information (comp level information), based on the monitoring information where the personal information generator incorporates the skill level information to the personal information and where the game environment arranger automatically reads out personal information of another player stored in the data storage as an opponent in a multi-player game (table games), based on the skill level information of the player (Column 4, lines 8-19).

Referring to claim 6, Cumber discloses the personal information includes at least one of information regarding a skill level of the player, information regarding the number of tokens

Art Unit: 3713

acquired in the game, and information regarding growth status in a raising game (Column 3, lines 16-19 and column 6, line 66 to column 7, line 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cumbers.

Cumbers discloses a network system for setting up a game environment that includes a common host apparatus, a plurality of game machines communicatively connected to the host apparatus, a player identifier, a data storage that stores personal information of a plurality of players, and a game environment arranger that reads out the personal information of the player identified by the player identifier from the data storage and automatically sets up a game environment based on the read out personal information. Cumbers does not disclose that the host apparatus and the respective game machines are connected via the Internet to play a network game provided on the Internet. However, it is well known that casino games that use identification systems are played on the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a host apparatus and the respective game machines being connected via the Internet to the identification system of Cumbers to ensure that the proper personal information is being opened by the proper player.


Art Unit: 3713

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9302 for regular communications and (703) 746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc  
January 7, 2002



JESSICA J. HARRISON  
PRIMARY EXAMINER